

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Cory Tyronne Powell

Docket No. 7:05-CR-48-1

Petition for Action on Supervised Release

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Cory Tyronne Powell, who, upon an earlier plea of guilty to 18 U.S.C. § 922 (g)(1) & 924, Possession of a Firearm by a Felon, was sentenced by the Honorable James C. Dever III, U.S. District Judge, on November 8, 2005, to the custody of the Bureau of Prisons for a term of 60 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
4. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
5. The defendant shall participate in a vocational training program as directed by the probation office.
6. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Cory Tyronne Powell was released from custody on July 21, 2009, at which time the term of supervised release commenced.

On March 24, 2010, Powell was reported to the court via Petition for Action on Supervised Release for using marijuana, and the court continued supervision but imposed additional conditions requiring him to serve two days in jail and participate in the DROPS program.

On June 18, 2010, Powell was reported to the court via Petition for Action on Supervised Release for incurring two criminal charges of Assault on a Female. The court continued supervision but imposed a 60 day placement at a Residential Re-entry Center. On August 18, 2010, the RRC placement was rescinded by the court, and replaced with a sanction of two weekends in jail. Powell completed this sanction, and the assault charges were subsequently dismissed.

On May 9, 2011, Powell was reported to the court via Violation Report citing use of marijuana. He was directed to serve a 5 day DROPS sanction, and supervision was continued. Powell has not yet completed this sanction because the Bureau of Prisons has delayed scheduling this jail time.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Powell reported to the probation office on September 1, 2011, and submitted to urine testing, and the test result was negative. However, he admitted to using marijuana on August 14, 2011, and signed an Admission of Use Form. Furthermore, Powell recently failed to appear in state court in New Hanover County for his child support arrearage and has struggled to comply with this matter for the past year. As such, an Order for Arrest was issued and remains unserved. In that Powell has admitted to violating the conditions of supervision by using drugs and has failed to comply with the state's child support order, our office recommends the court sanction him for his conduct by imposing a condition requiring him to be placed on home confinement for a period of 90 days. It is further recommended this sanction be ordered in lieu of the pending 5 day jail sanction previously imposed. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The previous 5 day jail sanction imposed on May 9, 2011, is stricken. In lieu thereof, the defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

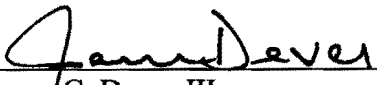
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: September 26, 2011

ORDER OF COURT

Considered and ordered this 28 day of September, 2011, and ordered filed and made a part of the records in the above case.


James C. Dever III
U.S. District Judge